

**TEXAS HISTORICAL COMMISSION**  
*real places telling real stories*

March 15, 2018

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Re: *Wireless Infrastructure Streamlining, Second Report and Order, Exclusion of Small Wireless Facilities from NHPA and NEPA Review, WT Docket No. 17-79*

Ms. Dortch:

Thank you for the opportunity to comment on the draft Second Report and Order of the Federal Communications Commission's (FCC) Wireless Infrastructure rulemaking proceeding, which proposes to exclude small wireless facilities from review under Section 106 of the National Historic Preservation Act and the National Environmental Policy Act. Also proposed are alterations to the FCC's tribal consultation process under Section 106 and changes to the Environmental Assessment (EA) procedures. This letter serves as comment on the draft Second Report and Order from the Texas State Historic Preservation Officer (SHPO), the Executive Director of the Texas Historical Commission (THC).

As stated in our previous comments, THC maintains that the deployment of small wireless facilities constitutes a Federal undertaking with the potential to cause effects to historic properties. Rather than eliminating all regulatory authority over such deployments, and the subsequent consultation, THC strongly encourages FCC to expand the existing exemptions contained in the two Nationwide Programmatic Agreements or utilize other program alternatives, as allowed under 36 CFR § 800.14. Common-sense measures could be developed to eliminate additional small wireless facilities from review, while preserving the review process for potentially problematic cases.

The THC is currently reviewing a proposed small wireless facility located on Alamo Plaza, which is not only a National Historic Landmark and a UNESCO World Heritage Site, but perhaps the most iconic setting in Texas. While the proposed antenna itself is small and will be installed on an existing non-historic traffic light, the accompanying utility enclosure was proposed to be located prominently at the street corner, adjacent to the Alamo Cenotaph and the Long Barracks. THC has very serious concerns about this location, both for its potential to directly affect archeological resources and its potential to have visual effects on the historic setting. At this time, we are awaiting further consultation with the applicant.

In recent months, THC has reviewed numerous small wireless facility deployments in historic districts and adjacent to historic properties. In recognition of the large numbers of small wireless facilities that will be deployed, THC and the FCC have begun a pilot program to review such installations in batches, representing a major streamlining of the traditional Section 106 SHPO consultation. These batches, which have included up to nearly 350 sites per batch, have greatly reduced the amount of paperwork that the applicant would normally submit to the SHPO, while giving our review staff a greater sense of the overall deployment. Most importantly, the batching still allows the consulting parties to adequately consider the potential effects of each site.

Other streamlining measures may also be possible. For instance, the draft report and order mentions an FCC requirement to conduct EAs under the National Environmental Policy Act for sites near historic districts or historic properties, despite those assessments regularly resulting in a finding of no significant impact. FCC could change its rules to require EAs or environmental impact statements only in those instances where there is an adverse effect to

historic properties. In our experience, the vast majority of adverse effects for cell projects are resolved through sensitive design modifications, including stealth measures, modifying how equipment is attached if directly mounted to a historic building or structure, or relocation to an alternate site further removed from historic properties. The lack of significant impact should be a testament to the value of the review process in these instances, not negate its necessity.

The THC would like to note two important differences between the small wireless facilities that we have seen and more traditional macrocell towers. First, the most common types of adverse effects caused by macrocell towers have been indirect effects to the setting or viewshed of historic properties that theoretically could be reversed in the future by removing the tower. However, THC believes that permanent, direct adverse effects will be more likely with small wireless facilities as in many cases they are proposed for installation on or in historic buildings. THC has of course reviewed collocation sites proposed on historic buildings, but the Section 106 consultation process often yields a more appropriate outcome than the initial proposal. Second, THC believes that these multi-site deployments have a greater potential to cause cumulative effects to historic properties, cluttering historic districts with multiple towers, antennae, and utility enclosures. Eliminating consultation means that these potential effects will not be taken into account.

In Texas, a new state law exempts small wireless facilities from local zoning review in most cases. Where a new deployment is proposed within an existing historic district (locally-designated or National Register listed), a city may require “reasonable design or concealment measures” but may not require moving the proposed facility to a more appropriate location. With this proposal from the FCC, there would now be greatly reduced potential for the public or interested stakeholders to review or comment on these projects at the Federal, state, or local level.

Overall, THC is concerned about this proposal and the precedent it would set for the FCC. The Second Report and Order emphasizes serving the public interest but discounts the significant public interest in preserving historic properties. The Section 106 consultation process has long proven a valuable tool in allowing the public to consider the specific potential effects to their treasured historic places.

We look forward to further consultation and we hope to maintain a relationship that will foster effective historic preservation. If you have any questions concerning our comments, or if we can be of further assistance, please contact Justin Kockritz at 512-936-7403 or [justin.kockritz@thc.texas.gov](mailto:justin.kockritz@thc.texas.gov) or Elizabeth Brummett at 512-463-6167 or [elizabeth.brummett@thc.texas.gov](mailto:elizabeth.brummett@thc.texas.gov).

Sincerely,

*A. Elizabeth Brummett*

A. Elizabeth Brummett, State Coordinator for Project Review  
For: Mark Wolfe, State Historic Preservation Officer

cc: Jill Springer, Federal Communications Commission *via email*  
Erik Hein, National Conference of State Historic Preservation Officers *via email*  
Anthony Guy Lopez, Advisory Council on Historic Preservation *via email*

